

UNITED STATES DISTRICT COURT OF NEW JERSEY
DISTRICT OF NEW JERSEY

-----X
EVELYN BYRD and RENE GIBBS,

Plaintiffs,

-against-

CIVIL ACTION NO:

PETITION FOR REMOVAL

WEREKO KWAME, ZOBENG TRUCKING, LLC,
JOHN AND JANE DOE 1-10 (FICTITIOUS
UNIDENTIFIED INDIVIDUALS) AND ABC
CORPORATION 1-10 (FICTITIOUS
UNIDENTIFIED BUSINESS ENTITIES),

Defendants.

-----X

TO: UNITED STATE DISTRICT COURT OF NEW JERSEY
DISTRICT OF NEW JERSEY

The Petition of Roberto D. Uribe, respectfully shows, as follows:

1. The undersigned is the attorney for Defendants, WEREKO KWAME and ZOBENG TRUCKING, LLC, in the above-entitled action now pending in the Superior Court of New Jersey, Bergen County; that service of a Summons and Complaint was made upon Defendant, ZOBENG TRUCKING, LLC, a North Carolina corporation with a principal place of business in Hurdle Mills, North Carolina, by service of a Summons and Complaint made via personal service at 1777 Satterfield Road, Hurdle Mills, North Carolina. Service was also made upon WEREKO KWAME, a resident of Georgia, via personal service at 726 Georgetown Court, Jonesboro, Georgia. Proofs of service were filed with the Superior Court of New Jersey, Union County.

2. That the causes of action as set forth in the Complaint seek money damages for personal injuries. See Plaintiff's Complaint, attached hereto as Exhibit "A".

3. In the Complaint, Plaintiff seeks to recover damages for personal injuries resulting

from the Defendants' alleged negligence in their ownership, operation, management, maintenance and control of a certain vehicle that was involved in an accident that took place on April 12, 2019 on Route 1 near its intersection with Randolph Avenue in Rahway, New Jersey, which Defendants deny in their Answer. See Defendants' Answer, attached hereto as Exhibit "B".

4. The Plaintiff, Evelyn Byrd, resides in Elizabeth, New Jersey.

5. The Plaintiff, Rene Gibbs, resides in Elizabeth, New Jersey.

6. Defendant, ZOBENG TRUCKING, LLC, is a North Carolina corporation with a principal place of business in at 1777 Satterfield Road, Hurdle Mills, North Carolina.

7. Defendant, WEREKO KWAME, is a Georgia domiciliary, residing at 726 Georgetown Court, Jonesboro, Georgia.

8. That this action may be removed to this Court by the Defendants pursuant to 28 U.S.C. Section 1441(c) since Plaintiffs' action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

9. In that regard, Plaintiffs recently provided a response to Defendants Demand for a Statement of Damages confirming demands on behalf of Plaintiff Byrd for \$250,000 and Plaintiff Gibbs for \$250,000 for injuries sustained as a result of the subject accident. See Plaintiffs' Response to Demand for Statement of Damages, attached hereto as Exhibit "C". As the residence and situs of incorporation amongst the Defendants and Plaintiffs create complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, the Defendants desire to remove this action from the Superior Court of New Jersey, County of Union, to the United States District Court for the State of New Jersey.

10. Defendants attach hereto copies of all process and pleadings thus far served and as referenced herein.

WHEREFORE, the Defendants pray that the action now pending against them in the Superior Court of the State of New Jersey, County of Bergen be removed therefrom to this Court.

Dated: April 1, 2021

Respectfully submitted,

GALLO VITUCCI KLAR LLP

/s

By:

ROBERTO D. URIBE (RU0067)

GALLO VITUCCI KLAR LLP

Three University Plaza, Suite 402

Hackensack, NJ 07601

201-343-1166 Phone

201-343-1223 Fax

Attorney for Defendants:

WEREKO KWAME and

ZOBENG TRUCKING, LLC

Our File No.: GBSU-2021-1

TO: Jorge Hernandez, Esq.
JORGE L. HERNANDEZ, LLC
100 Jefferson Avenue, Suite 302
Elizabeth, New Jersey 07201
JHERNANDEZ@LAWYERHERNANDEZ.COM